

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY McGINLEY, <u>et al.</u>	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 06-510
ANTHONY J. BARRATTA, ESQ., <u>et al.</u>	:	
	:	
	:	

ORDER

AND NOW, this 14TH day of October, 2008, upon careful and independent consideration of the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, and having received no objections thereto, it is

ORDERED that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Defendants' Motion for Sanctions is **GRANTED IN PART** in that Plaintiff Timothy McGinley ("McGinley") shall be precluded from testifying as a fact witness at trial on matters as to which he has stated on the record that he has no memory;
3. Defendants shall by November 3, 2008 file a motion in limine specifying the subjects on which McGinley is precluded from testifying as a result of the instant Order; and
4. The Motion for Sanctions is otherwise **DENIED**.

BY THE COURT:

S/ BRUCE W. KAUFFMAN
BRUCE W. KAUFFMAN, J.
